

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BLUE SPIKE, LLC,

Plaintiff,

v.

VERIMATRIX, INC.,

Defendant.

MEDIA SCIENCE INC.,

Defendant.

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**CIVIL ACTION NO. 2:16-CV-00329-RWS
(LEAD)**

CIVIL ACTION NO. 2:16-CV-00701-RWS

ORDER

Before the Court is Defendant Media Science Inc.’s (“MSI”) Motion to Dismiss or Transfer (Docket No. 76).¹ MSI seeks transfer of this action to the United States District Court for the Central District of California. Docket No. 76 at 1, 16–17. Having reviewed MSI’s Motion to Dismiss or Transfer in light of the public and private factors laid out in *In re Volkswagen AG*, 371 F.3d 201 (5th Cir. 2004), the Court finds that the Central District of California is a clearly more convenient forum for this dispute and that transfer of this action is therefore appropriate. Because the Court transfers the case to a forum in which MSI admits personal jurisdiction and venue are proper, it does not reach MSI’s grounds for dismissal.²

Accordingly, it is

¹ Docket No. 76 is MSI’s second motion to dismiss. The first, Docket No. 9 in Case No. 2:16-cv-701, was filed before Plaintiff Blue Spike, LLC amended its Complaint and seeks similar relief. Because the Court **GRANTS-IN-PART** Docket No. 76, it **DENIES AS MOOT** MSI’s original motion.


² Because it now adjudicates MSI’s Motion to Dismiss, the Court also denies as moot MSI’s Motion to Stay Discovery Pending Ruling on Motion to Dismiss (Docket No. 115).

ORDERED that Docket No. 76 in Case No. 2:16-cv-329 is **GRANTED-IN-PART** to the extent it seeks transfer, **DENIED AS MOOT** to the extent it seeks dismissal for lack of personal jurisdiction or for improper venue, and is not adjudicated to the extent it seeks dismissal for failure to state a claim.

ORDERED that Docket No. 9 in member Case No. 2:16-cv-701 and Docket No. 115 in lead Case No. 2:16-cv-329 are **DENIED AS MOOT**.

The Clerk of the Court is directed to transfer this consolidated action (i.e. both the lead and member cases) to the Central District of California.

SIGNED this 6th day of July, 2017.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE